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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10 001,511	10/31/2001	Sanford J. Morganstein	018106.0109	3250

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EXAMINER

HESS, DANIEL A

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/001,511

Applicant(s)

MORGANSTEIN, SANFORD J.

Examiner

Daniel A Hess

Art Unit

2876

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Continuation of 10. Other:

Particularly regarding the amendment, added in each independent claim, that a ballot is created that both human and machine-readable the examiner notes that there is nothing novel in this. As the examiner noted, old and well-known paper ballots typically have human-readable selections. For an additional reference, the applicant's attention is drawn to US 4,813,708, a ballot that is clearly both human and machine-readable. This in no way takes away from the earlier rejection, but simply supports the examiner's earlier statement.

Regarding claim 4: Asking a customer's pin number is making a question that is customized to the voter. Nothing in the language of the claim indicates that a ballot question must be a question on a candidate, referendum, etc.

Re claim 9: The applicant uses the reason that the computing device is not just any computing device 'but one that presents ballot questions...' in the previous arguments. However, this limitation is not conveyed in the claim.

Re claim 17: Challenger (column 7, lines 33-37) makes clear that the voter id and ballot are bundled together as one.

Re claim 18: This problem is obviated by the fact that voting is computer moderated. In terms of computer programming, a single variable would be allocated, leaving room for exactly one selection (or two in the case of two candidates, etc.)

Re claim 26: The applicant has not addressed the examiner's point that election laws dictate having write-in candidates. It is this examiner's contention, having studied computer science, that once the notion is conceived to have a write-in candidate, receiving a name and bundling that with the electronic ballot is a simple programming process. Even if this weren't true, electronic systems with a write-in option are known in the art.

Re claim 62: As Willard (US 5,821,508), employed in earlier actions, teaches (abstract) blind voters are aided by being permitted to "actuate a button on a hand-held device, or other mechanism that permits the voter to indicate his or her selection preferences without having to visually interact with the system." If the location on the screen does not matter, then the screen amounts to one big button that the user can touch at the appropriate time. The earlier rejection of claim 63 employs Willard, with a view toward aiding blind voters.



THIEN M. LE
PRIMARY EXAMINER